

A Board of Selectmen meeting was held on Tuesday, April 29, 2014 at 6:30 pm in Conference Room A with five selectpersons, the Town Administrator and the Asst. to the Town Administrator.

6:30 Meeting Called to Order

Executive Session
Motion Approved

Executive Session – Strategy with Respect to Real Property and Strategy with Respect to Anticipated Litigation:

Selectperson Lucas moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #6 to discuss strategy with respect to Real Property and for Exception #3 to discuss strategy with respect to anticipated litigation, seconded by Selectperson Murphy, Roll Call vote: Chairperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, Vote: 5-0.

Chairperson Battistelli said “We are entering executive session because, by not doing so, it would be detrimental to the Town’s litigating position. We will reconvene in Open Session.”

7:00 Pledge of Allegiance and Moment of Silence

Finance Committee Interview for Reappointment: Selectperson Wilkinson moved that the Board of Selectmen reappoint Bill Wagner as a member of the Finance Committee for a three year term to expire on 5/1/17, seconded by Selectperson Murphy, Vote: 5-0. Bill Wagner said he has been on the board for one and one half years. He said the experience has been good and he has enjoyed it. He stated that his prior financial experience has been in the private sector.

Finance Committee
Interview for
Reappointment
Motion Approved

7:10 Utility Hearing to Determine Street Light Pole Height (continued from April 15, 2014):
Utility Pole Hearing – National Grid: Selectperson Murphy moved that the Board open the continuation of the Public Hearing on the joint petition of National Grid and Verizon requesting permission to erect and maintain utility poles, wires, and fixtures in a public way on Breakwater Avenue, seconded by Selectperson Sheedy, Vote: 5-0.

Open Utility
Hearing to
Determine Street
Light Pole Height
Motion Approved

Peter Glenn from National Grid said he went out to the site last Wednesday with Fred Kippen, an expert in street lighting. He said the owner of 14 Breakwater was there but the owners of 5 Cathedral Ave. did not attend. The plan is for a 14’ high traditional light pole, he said he thought the 14’ was more than adequate. There is a 30’ pole there now with a street light on it, but 6’ are in the ground and the light is located down the pole a little bit. It is at the same location; if the light is too dim we can go from 50 to 150 watts. We can increase the wattage if it’s too weak; the current pole is approximately 30’ tall, it was agreed that the 14’ would be adequate.

Steve Shaffer, 12 Breakwater Ave., said he was unaware of the site visit, so he didn’t attend. He said they like the light that is there now and questioned why the existing light needs to be changed. He questioned if the light would be offensive because it would be so bright.

Selectperson Lucas asked the Chief of Police if there is a safety concern with a 14’ pole, he said no.

Close Utility
Hearing
Motion Approved

Close Hearing: Selectperson Lucas moved that the Board of Selectmen close the Public Hearing, Selectperson Murphy seconded the motion, Vote: 5-0.

Grant Approval for
Pole
Motion Approved

Selectperson Sheedy moved that the Selectmen grant approval to National Grid and Verizon to erect and/or maintain a 14-foot utility/street light pole #543-1 as described in the "Order for Joint or Identical Pole Locations" number 16014417 dated March 6, 2014, Selectperson Murphy seconded, Vote: 5-0.

Approve Minutes of
April 15, 2014
Motion Approved

Minutes of April 15, 2014: Selectperson Wilkinson moved that the Board of Selectmen approve the minutes of April 15, 2014, Selectperson Murphy seconded, Vote: 5-0.
Amendment: Page 2 of 6, regarding light, Selectperson Wilkinson could either vote right now or plan a site visit.

Selectmen Updates
and Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Sheedy stated that Applied Coastal presented their preliminary report on the Sediment Transport Study for Long Beach. Selectpersons Sheedy and Wilkinson attended along with the Town Administrator. They said things didn't appear as dire as initially thought. If the beach is replenished by 100,000 cubic yards of sand, as an example, it would raise the whole beach. It would take longer for the sand to leave because it's a pocket beach and the sand is moved from side to side. The engineers believe Long Beach is a candidate for successful beach replenishment. Selectperson Sheedy said they learned that if the replenishment is completed and sand was lost due to storms, FEMA funds could potentially be applied for to mitigate the costs. She said the replenishment could increase the size of the beach at high tide. Selectperson Wilkinson said she learned that it could take 5,000 truckloads of sand to replenish the beach and the cost could be approximately \$2M. Applied Coastal will finish their study and they will come back to report their findings. The Town Administrator said she is asking the DPW for an idea of the cost to stabilize the footings of the wall before the Fall Town Meeting. She said she thinks it would slow down the erosion.

Public Comment
Period

Public Comment Period:

- Ted Tarr, 154 Main Street, spoke on Article R (swap shop/metal pile) that he said had overwhelmingly passed at Town Meeting and the metal pile is still closed. He said that people have been taking items for resale. Selectperson Wilkinson spoke again about Town Meeting; and said a full discussion had not taken place at Town Meeting. She said any citizen is allowed to do another petition at another town meeting. She said the town receives revenue from the metal scraps. Selectperson Murphy said he likes the recycling concept of the metal pile; he supports the reopening of the metal pile. Selectperson Wilkinson said this is a DPW issue.
- Claire Marotta, 13 South Street, said her house is in residential zoning; her understanding is the purpose of zoning is to protect health, safety, and the well-being of the neighborhood. There is a property in her neighborhood (#15) that is a weekly rental, she said it is advertised as a "little charmer"; she said her neighborhood is not zoned for this business. She said the weekly rental is not compatible with the neighborhood and has a significant negative impact on the neighborhood. Most of the other neighbors are summer residents. She is requesting that the Board of Selectmen review the information and bring relief to the neighborhood. One item that is in the advertisement is that there is parking for RV's, boats, and trailers. She said a zoning hearing was postponed, it was supposed to be held tonight.
- Eileen Ford, 25 ½ School Street, said she wondered if Mindy was welcome to be reappointed to an Animal Control position. She said the Town would be missing a good dog officer if Mindy and Andrea aren't in the program. It was stated that anyone is welcome to apply for the Assistant Dog Officer positions.

	<ul style="list-style-type: none"> Toby Arsenian, 95 Granite Street, said he would like to talk about benches. He also said that the Rockport Municipal Harbor Plan was adopted and the Board of Selectmen Chair Battistelli has said it was never adopted. He has a copy of the plan, date July of 2003. He said in the minutes of 9/30/03, Selectperson Barletta moved to open the public hearing. He said there was a motion to approve Phase I, and the vote was 5-0. He said \$10,000 was spent on the plan, but the Board of Selectmen failed to make the time to discuss and implement the plan. 	Public Comment Period Continued
	<u>Town Administrator's Report:</u>	Town Administrator's Report
	<ul style="list-style-type: none"> Tax title properties (3). The Town Administrator said the three properties are being cleaned up and the Board members will be taken through them with the building inspector. A general contractor was taken through 59 High Street. The building inspector said that lot is big enough for two lots. She said 8 Marmion Way is still being cleaned out; it will need a lot of work. There is no building inspector report on that one yet. On Friday the Town Administrator said 33 Atlantic Ave. was visited, she said it was in better shape than anticipated. It appears very sturdy; it doesn't appear to have been touched for twenty years. She said the fall season is a good time to move forward with this process. 	Tax Title Properties
	<ul style="list-style-type: none"> Plowing of private roads: The Town Administrator said the DPW has made a recommendation and we should move forward with this. Chairperson Battistelli said she'd like to get this done by July so affected residents will have time to make alternate plans. 	Plowing of Private Roads
	<p>Toby Arsenian, 95 Granite Street, said if you're going to come up with a changed set of rules, could they be drafted and be with the town clerk so people will see them.</p>	
	<ul style="list-style-type: none"> Granite Pier, 2nd appeal, Selectperson Sheedy said the FEMA reimbursement has been denied. She questioned if there was a miscommunication between FEMA, the DPW and Vine Associates. She asked why the project was denied by FEMA before it was completed. The Town Administrator said there never was an agreement between the DPW and FEMA. Selectperson Sheedy said for future work, if there is a procedure that should have been followed, let's follow it. The Town Administrator said the quarterly review with the DPW Commissioners is overdue and should be scheduled with the Board of Selectmen; a workshop should be scheduled. 	Granite Pier, 2 nd appeal
7:50	<u>Action List</u>	Action List
	<p><u>Nomination of Animal Inspector:</u> Selectperson Murphy moved that the Board of Selectmen nominate Elaine Somers as Rockport Animal Inspector for a one year term to expire on May 1, 2015, Selectperson Wilkinson seconded, Vote: 5-0.</p>	Nomination of Animal Inspector Motion Approved
	<p>The Town Administrator said the Animal Inspector didn't want to be reappointed, they start in May. It's a public health issue so they report to the Board of Health. Elaine Somers applied for that; she has gone through the application process, she has the qualifications. She has experience with large and small animals. The Town Administrator said the Board of Selectmen nominates, the state appoints, and the Board of Health supervises the position. E. Somers is a Certified Vet. Technician; this is an annual nomination.</p>	
	<p><u>Appointment of Animal/Dog Control Officers:</u> Selectperson Wilkinson moved that the Board of Selectmen appoint Officer William Budrow and Officer Daniel Mahoney as Animal/Dog Control Officers for a one year term to expire on June 30, 2015, Selectperson Murphy seconded, Vote: 5-0.</p>	Appointment of Animal/Dog Control Officers Motion Approved
	<p>The Town Administrator said the police department previously managed this function; there hasn't been an animal control function in Rockport for some time. Police officers, while on their shift, would handle any calls related to this. She said that in addition to emergency situations they looked at animal/dog control officers. This position was advertised and two</p>	

officers came forward who were interested. One happens to work days and one works nights; they would share the role and the stipend. We wanted to put more burden on the Asst. Dog Officer and lighten the load for the officers. There are approximately 300 calls each year.

8:40 Selectperson Lucas left the meeting

Appointment of
Assistant Dog
Officers
Motion Approved

Appointment of Assistant Dog Officers: Selectperson Sheedy moved that the Board of Selectmen appoint Andrea Lucas and Elaine Somers as Assistant Dog Officers, Selectperson Wilkinson seconded, Vote: 4-0.

Memorial Bench
Policy Revision
No vote taken.

Memorial Bench Policy Revision: Selectperson Wilkinson moved that the Selectmen revise the Memorial Bench Policy to allow a 3-inch by 4-inch brass plaque on memorial benches in public places, seconded by Selectperson Sheedy. No vote taken; the DPW will be consulted and prior minutes will be reviewed relevant to Memorial Benches.

John Munroe, Squam Road, said other communities allow this, he said if you spend \$1,500 for this bench, you want to have the name on them. They have over 40 signatures on a petition from Rockport residents. He said he would like to put a bench on Front Beach in the name of a friend who passed away last year. Selectperson Wilkinson said this has been a long-standing policy, benches were allowed previously, and it turned into a can of worms. There were benches that became eye sores; it became competitive in terms of who would get certain spots. There were questions like if the bench is damaged can another person then take it, or is it for perpetuity. Selectperson Sheedy said she is in favor of the plaque on the bench. She stated that when the bench has to be replaced, a new person can get it; it's a loving tribute. Selectperson Murphy said he agrees with Selectperson Sheedy, but it's tricky because this is public property. They're beautiful but they're everywhere. Selectperson Wilkinson said maybe there's another compromise we can talk about with the DPW. Selectperson Murphy said we should revisit what we did the last time we discussed it and review the minutes. T. Arsenian said it was contentious. He recommends talking with the DPW Commissioners, the DPW Director and the Beautification Committee. He said not all the benches were attractive; and they need to be comfortable. He stated they should be Rockport granite if they're going to be granite. Patrick Scalli, 2 Summit Ave., said he would encourage the Board of Selectmen that if guidelines are developed, they'd certainly want to comply with whatever the requirements are.

Den-Mar Consent
and Estoppel
Certificate
Motion Approved

Den-Mar Consent and Estoppel Certificate: Selectperson Murphy moved that the Board of Selectmen grant consent to Chestnut Health and Rehabilitation Group, Inc. to sublease the premises known as Den-Mar to Hybris Health Services LLC, seconded by Selectperson Sheedy, Vote: 4-0.

Purchase Order for
Classroom
Projectors and
Cabling Project
Motion Approved

Purchase Order for Classroom Projectors and Cabling Project: Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a Purchase Order to Pro AV Systems, Inc. of 275 Billerica Road in Chelmsford, Massachusetts to supply and install classroom projectors, cabling, and associated equipment in an amount not to exceed \$10,818.50, Selectperson Murphy seconded, Vote: 4-0.

Purchase Order for
School Networks
Motion Approved

Purchase Order for School Networks: Selectperson Sheedy moved that the Board of Selectmen approve and ask the Chairperson to sign a Purchase Order to LCN of 260 Libbey Parkway in Weymouth, Massachusetts to install voice, data, networking, telecommunications, and associated equipment in an amount not to exceed \$324,704.72, Selectperson Wilkinson seconded, Vote: 4-0.

9:10 Discussion Items

Long Beach Tennis Court Repairs: Heather Carbone, 29 Long Beach, spoke about the community tennis courts that are located between #28 and #34 Old County Road. She said kids play street hockey on it in the winter; it is primarily used by Long Beach residents for tennis and basketball. It is in disrepair and previously was quite a gathering place for the neighborhood. She has raised the funds over the last three years. H. Carbone said she understands that the Pingree tennis court repairs are underway as well and said if it makes sense to combine both the tennis court projects she thought we should consider that. M. Vieira said it is subject to procurement laws because it is over \$10,000, sealed bids would be required and prevailing wages. M. Vieira said G. Falco needs to be contacted regarding a notice of intent. DPW will determine if projects will be combined.

Discussion Items:

Long Beach Tennis Court Repairs

Ideas for Use of Waring Field: Adrian Lauterstein, 7 Pleasant Street, presented ideas for the use of Waring field, that was donated to the town by Mr. Waring years ago. He said there is no safe place to park to use the field. He said the land could be leased for farming. This could bring in more revenue for the town, but the soil would need to be tested. There are questions about whether there would be town water or maybe we could sink a well. Selectperson Wilkinson said we should get some assessor's maps of that area. Access is an issue on the back field. Another thought is community gardening.

Ideas for Use of Waring Field

Town Meeting Debriefing – postponed (Town Moderator could not attend meeting).

Street Performer Licenses – postponed. Board members are asked to review the policy before the next meeting.

Other Business/Announcements:

Other Business/Announcements

- Selectperson Murphy said he received a request from a resident that we look into creating a parking pass (sticker) for former residents of Rockport that have current family in town so they can use the Long Beach parking lot and other parking in town. The Town Administrator said this already exists and is approved by the DPW Director on a case-by-case basis. Selectperson Wilkinson said she will look into this.
- The issue of purchasing stickers on-line was discussed. Some residents haven't received their stickers yet and they're wondering how long this should take. Selectperson Wilkinson said she will look into this as well.
- Site visit to tax title properties: 4pm on Friday, 5/2/14, board members to meet at 33 Atlantic Ave.; Selectperson Lucas is not visiting High Street so the board can visit High Street last.

9:40 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 4-0.

Warrant signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 5/1/14 in the amounts of \$467,145.23 and \$331,304.28 respectively.

Items Signed:

Finance Committee letter, Frank Hassler
Finance Committee letter, Michael Lamoureux
LCN Division of EG Sawyer
ProAV systems
Consent and Estoppel Certificate
Order for Joint or Identical Pole Locations
Intique, buying and selling antiques